

ORIGINAL

United States District Court

NORTHERN DISTRICT OF GEORGIA

OCT 24 2008

UNITED STATES OF AMERICA
v.JAMES N. HATTEN, Clerk
By:  Deputy Clerk
CRIMINAL COMPLAINT

LUCILENE FELIPE DOS SANTOS

CASE NUMBER: 1:08-MJ-1223

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about October 20, 2008 in County, in the Northern District of Georgia defendant,

an alien, was unlawfully found in the United States, said defendant having previously been arrested and deported from the United States, after having been convicted on or about January 5, 2007 in the United States District Court for the Northern District of Georgia of an aggravated felony, namely, harboring an alien, and said defendant not having obtained the consent of the United States to re-enter the United States,

in violation of Title 8 United States Code, Section(s) 1326(a) and (b).

I further state that I am an Agent with Immigration and Customs Enforcement and that this complaint is based on the following facts:

Please See Attached Affidavit

Continued on the attached sheet and made a part hereof.

(X) Yes () No


Signature of Complainant
Ben Madrid

Based upon this complaint, this Court finds that there is probable cause to believe that an offense has been committed and that the defendant has committed it Sworn to before me, and subscribed in my presence

October 24, 2008

Date

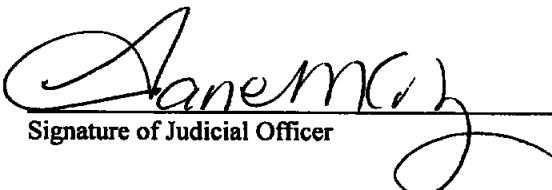
at

Atlanta, Georgia

City and State

JANET F. KING
United States Magistrate Judge
Name and Title of Judicial Officer
AUSA Francy Hakes

Signature of Judicial Officer



AFFIDAVIT

I, Benjamin Madrid, being duly sworn, depose and say:

I am a Special Agent (SA) with the Bureau of Immigration and Customs Enforcement (ICE), formerly of Immigration and Naturalization Service (INS) and have been employed with that agency since September 1988. As part of my official duties, I investigate violations of the Immigration and Nationality Act and related criminal statutes.

This Affidavit is made in support of a criminal complaint for Lucilene Felipe DOS SANTOS, a native and citizen of Brazil, who was found in the Northern District of Georgia, within the United States, after having been deported to Brazil without requesting or obtaining the permission of the Attorney General of the United States to re-enter the United States, in violation of Title 8, United States Code, Section 1326.

Prior to October 20, 2008, your Affiant received information from a SOI (Source of Information) that an individual by the name of Lucilene Felipe DOS SANTOS is back in Atlanta, GA and residing at 212 Villa Place Court, Tucker, Georgia, 30084, may be a previously deported illegal alien. On October 20, 2008, your Affiant, along with Special Agents Dwayne Vanatta and Tom Doolittle located DOS SANTOS at the Georgia Power Company located at the corner of Lawrenceville Highway and Jimmy Carter Blvd. in Tucker, GA and placed her under arrest. DOS SANTOS was then transported to the ICE SAC/Atlanta Office for further processing.

On October 20, 2008, DOS SANTOS was advised of her rights at the SAC/Atlanta Office. DOS SANTOS was read her Miranda rights. DOS SANTOS invoked her rights and refused to answer any questions and refused to sign any forms without consulting an attorney.

Records of the Immigration and Customs Enforcement indicate that Lucilene Felipe DOS SANTOS, assigned alien registration number A79 664 070, was previously deported from the United States to Brazil on March 7, 2007, at Atlanta, Georgia, after having been convicted January 5, 2007 of harboring an unlawful alien, in violation of Title 8, United States Code, Section, 1324 (a)(1)(A)(iii), an aggravated felony.

There is no proof within the alien file of Lucilene DOS SANTOS (A79 664 070) that she has ever applied for or received permission from the United States Attorney General or from the Department of Homeland Security to reenter the United States after being deported.

Fingerprints of DOS SANTOS were enrolled into the Automated Biometric Identification (IDENT)/ Integrated Automated Fingerprint Identification System (IAFIS) System. IDENT/IAFIS reveled that DOS SANTOS had been assigned FBI#995283JC1 and Immigration file A#79 664 070.

The subject is prosecutable under Title 8 USC 1326-Deported Alien Found in the United States in Violation of Law.